

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**ELAINE CHAO, Secretary of Labor,
United States Department of Labor,**

Plaintiff,

v.

**ZTA, INC. d/b/a KING KONG
RESTAURANT; 13TH STREET KING
KONG, LLC d/b/a KING KONG
RESTAURANT; N.Z.T. INC., d/b/a
KING KONG RESTAURANT;
LINCOLN KING KONG, LLC d/b/a
KING KONG RESTAURANT; and
NICK TRIANTAFILLOU,**

Defendants.

CASE NO. 8:08CV150

ORDER

This matter is before the Court on the Plaintiff's Motion for Entry of Injunction (Filing No. 4). In the motion, counsel for the Plaintiff represents that the parties have reached a settlement and, as a part of that settlement, the parties agreed to the entry of an injunction against future violations of the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*) by the Defendants. Attached to the motion is an Injunction (Filing No. 4-2) prepared for the signature of the Court and executed by Defendant Nick Triantafillou; Jerry L. Pigsley of Harding & Shultz, Attorneys for Defendants; and Kim Prichard Flores, U.S. Department of Labor, Attorney for Plaintiff. Within the draft Injunction, the parties refer to the document as a "judgment."

The Court will approve the stipulated injunctive relief and will cause the fully executed Injunction to be filed with the Clerk of the Court. On or before August 15, 2008, the parties will notify the Court if any issues remain in this litigation for future resolution by the Court. Absent such a showing, the Court will construe the Motion for Entry of Injunction

as a motion to dismiss, without prejudice, Count VIII of the Complaint and the Plaintiff's prayer for a monetary judgment and liquidated damages under section 16(c) of the Fair Labor Standards Act, and a final Judgment will be entered, reflecting the stipulated injunctive relief only.

IT IS ORDERED:

1. The Plaintiff's Motion for Entry of Injunction (Filing No. 4) is granted;
2. The stipulated Injunction (Filing No. 4-2) will be executed by the Court and filed with the Clerk of the Court;
3. On or before August 15, 2008, any party may file an appropriate pleading, motion or notification, if any issue remains for resolution by the Court;
4. In the absence of such a showing, the Court will enter a final Judgment, reflecting the stipulated injunctive relief only, and
5. The Clerk of the Court is directed to mail a copy of this order to the named Defendants in addition to Attorney Jerry L. Pigsley, as Mr. Pigsley's only entry of appearance in this matter is his undated signature on the stipulated Injunction.

DATED this 28th day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge